

Serial Number: 09/752,026  
Amdt. Dated October 21, 2004  
Reply to Office Action of July 22, 2004

#### REMARKS/ARGUMENTS

In the amended figures 2 and 3, a connection between the GPS satellite and a GPS receiver within a device of the system has been shown.

Claims 1-20 remain in this application.

The Office Action includes: i) an objection to the drawings because of partial views in figures 2 and 3; ii) an objection to the drawings under CFR 1.83(a); iii) a rejection of claims 1-20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,738,766 ("Peng").

#### *Objection to the drawings because of partial views in figures 2 and 3*

Modified figures 2 and 3 are provided showing element 250 (figure 2) and element 337 (figure 3) communicating positional information to a GPS receiver within Device B (figure 2) and Internet Appliance 320 (figure 3). This is not considered to be new matter to this application, as the specification at, page 10, lines 11-13 states:

The system further includes a GPS satellite 250, which may provide information to the system about the location of the user and/or device. In alternative embodiments, other location determining devices may provide such location information, such as room specific transceiver devices including location capability.

It is known in the industry that a GPS receiver is an embodiment of a location determining device and that there is a radio-frequency connection between the GPS satellite and the GPS receivers. In the specification, page 10 lines 21-25 state:

A GPS satellite 337 provides location information about the location of a user and/or a device. Of course, other devices, such as transceiver 332, may be used instead of the GPS satellite 337 for determining the location of the user and/or the devices using methods well known in the art. For example, there may be a number of transceivers 332 located in different rooms throughout the residence 301.

Accordingly, withdrawal of the objection to the drawings is respectfully requested.

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*§102 Rejection of the Claims*

The §102(e) rejection of claims 1 through 20 as being anticipated by U.S. Patent 6,738,766 ("Peng") is respectfully traversed, for at least the reasons set forth herein.

Claims 1, 11 and 14 are presently amended to include, "wherein one of said at least three or more variables is a location variable." The Peng reference does not include location dependency. Furthermore, Peng does not teach a registry for storing and retrieving preference data that includes an element of location within each entry.

Accordingly, it is respectfully requested that the §102(e) rejection be withdrawn.

*Conclusion*

The pending claims are respectfully submitted to be in condition for allowance. Accordingly, notification to that effect is earnestly requested. In the event that issues arise in the application which may readily be resolved via telephone, the Examiner is kindly invited to telephone the Gateway, Inc. agent at (605)232-1603 to facilitate prosecution of the application.

It is believed that the attached Fee Transmittal attends to the appropriate fees owed for the present Amendment. However, if necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

Date: October 21, 2004

By



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Annotated  
Replacement  
Sheet 2 of 10

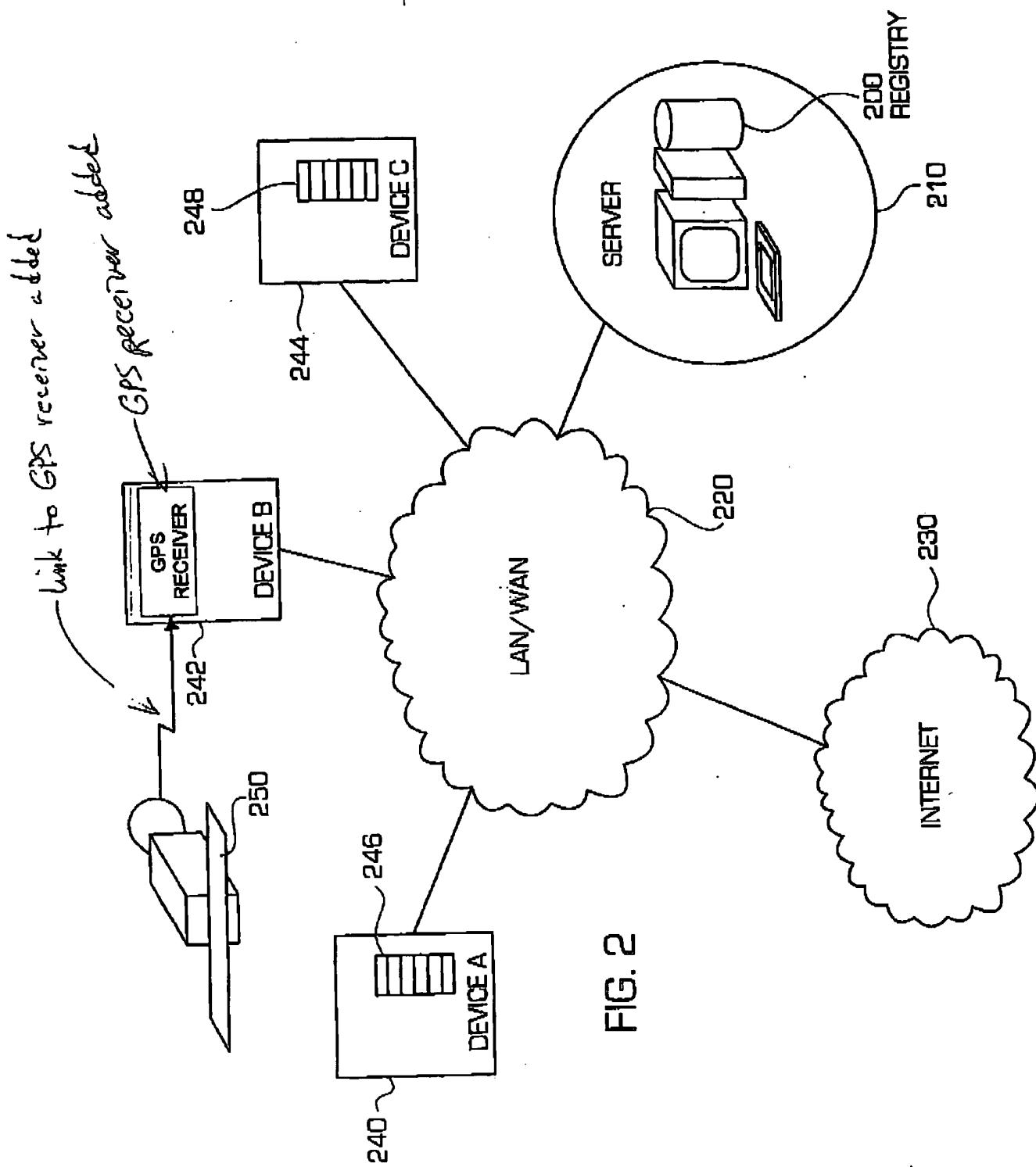


FIG. 2

Annotated  
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Sheet 3 of 10